

LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 FAX 538-9167
larydell@teleport.com

SUBDIVISION APPLICATION

SHERMAN OAKS

A Proposed 5 Lot Single/Multiple Family Lot Development

City of Newberg

Yamhill County, Oregon

9 February 2012

PREPARED FOR:

Ron Manning
P. O. Box 605
Newberg, Oregon 97132

Phone: (503) 662-4050
Fax: (503) 793-7222
E-Mail: HarleyMan627@yahoo.com



RENEWAL DATE 12/31/2012

TABLE OF CONTENTS

Table of Contents	2
Applicant and Site Information	3
Introduction and Background	4
Chapter 15.306 R-2 Medium Density Residential District.	5
Chapter 15.342 Stream Corridor Overlay (SC) Subdistrict	6
Chapter 15.405 Lot Requirements	6
Chapter 15.410 Yard Setback Requirements	8
Chapter 15.235.050 Subdivision Applications	8
Subdivision General Requirements	12
Written Criteria	13
Conclusion	14

EXHIBITS

Tax Map 3 - 2 - 19BA
Newberg Comprehensive Plan Map
Newberg Zoning Map
Title Report
Tentative Plan

APPLICANT AND SITE INFORMATION

DATE: 9 February 2012

APPLICANT/OWNER: Ron Manning
P. O. Box 605
Newberg, Oregon 97132
Phone: (503) 662-4050
Cell: (503) 793-72222
E-Mail: HarleyMan627@yahoo.com

ENGINEER/SURVEYOR: Leonard Rydell, P.E., P. L. S., W. R. E.
601 Pinehurst Drive
Newberg, OR 97132-1625
Phone: 503-538-5700
Fax: 503-538-5700
E-Mail: larydell@teleport.com

REQUEST: Tentative Plan Approval for a Five Lot Single Family Subdivision with a Multifamily Residential Lot

LEGAL DESCRIPTION: See Attache Exhibit

TAX LOT Tax Lot 800, Map No. 3-2-19BA

COMPREHENSIVE PLAN: Medium Density Residential (MDR)

ZONING: Medium Density Residential (R-2)

SIZE: 1.3666 acres more or less

LOCATION: On the South Side of Sherman Street West of Morton Street

SPECIFIC REQUESTS: Tentative Plan Subdivision Approval for a 5 Lot Development Site with 4 Single Family Lots and One 8 Unit Multi-Family Site for a total of 12 housing units

INTRODUCTION & BACKGROUND

The applicant has purchased a house on a large piece of property at 512 West Sherman Street in the City of Newberg, Oregon. The property is identified as Tax Lot 800 of Map No. 3-2-19BA. The legal description is a metes and bounds description. The "CANYON CREEK" subdivision is located across the street.

Newberg City Limits bisects the property at the location of the top of bank. Property to the West is located in Yamhill County. The property outside of City Limits contains steep slopes and large trees. Since the land is not wholly in the City, a Type III application is required.

One single family ranch style dwelling exists on the property. The applicant is remodeling the house and the purpose of this application is to allow it to be divided off and sold. Three more single family lots are proposed on one access that will allow three additional lots and houses to be constructed and sold.

Lot 5 is proposed as a multifamily site which may consists of smaller houses, or studio size dwellings that can be rented out.

The property to the North, South and West is zoned R-2, Medium Density Residential. Property to the West is located in Yamhill County. The neighborhood is predominantly single family residential.

are established residential neighborhood. The property to the South and some property to the Southeast of the site are zoned R-3, High Density Residential, and the remaining surrounding property is zoned R-2, Medium Density Residential.

The applicant desires to meet the development site density of one unit per 3,000 square feet per dwelling unit which would allow a total of 12 units on the site. Unfortunately, the physical constraints of the site do not allow efficient development in the area of the existing house, therefore, the first four lots would be larger than generally allowed and the fifth lot if considered alone, would be smaller than generally allowed. Variations are allowed by code.

Ownership of the completed development will be a combination of individual single family homes on lots and a multi-family site rather than an initial development of a condominium project.

Chapter 15.306 R-2 Medium Density Residential District

15.306.010 Description and Purpose

- A. *The purpose of this land use designation is to provide a wide range of housing types and styles, while maintaining a maximum overall density of 8.8 units per gross residential acre.*

Finding: The gross area of the site is 59,550 square feet or 1.3671 acres. 12 Units are proposed which equals a density of 8.78 units per gross residential acre. This subdivision application is being submitted to obtain approval for the 12 units.

- B. *Typical housing types will include single-family dwellings on small lots, attached and detached single-family, duplex or multifamily housing, cluster developments and townhouses. The R-2 district is intended to be consistent with the medium density residential designation of the comprehensive plan.*

Finding: The applicant is proposing a variety of affordable housing styles including the existing three bedroom ranch style house, small one story two or three bedroom units, and cottages of various sizes overlooking the woods on Lot 5..

- R. *Single-family dwellings, one or more per lot subject to density restrictions.*

Finding: The applicant is proposing a variety of affordable housing styles including the existing three bedroom ranch style house, small one story two or three bedroom units, and cottages overlooking the woods. Lots 1 through four are proposed for one dwelling unit per lot and Lot 5 is proposed for up to 8 dwelling units.

15.306.020 Permitted Buildings and Uses

In the R-2 medium density residential district, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

- N. *Multiple-family dwellings.*

Finding: While multiple family dwellings are not anticipated at this time, they applicant wants to reserve the option of constructing multiple family dwellings if warranted by market conditions.

- R. *Single-family dwellings, one or more per lot subject to density restrictions.*

Finding: Single family dwellings are proposed. One or more per lot is proposed in accordance with the density restrictions and allowances per the development code.

Chapter 15.342 Stream Corridor Overlay (SC) Subdistrict

15.342.030 General Information.

The delineated stream corridor overlay subdistrict is described by boundary lines delineated on the City of Newberg zoning map indicated with an SC symbol.

Finding: The City of Newberg Zoning Map does not have a stream corridor drawn along the West side of the property, so this section does not apply. The City Limits line is at the approximate top of bank where the stream corridor would be, so even if there was a stream corridor line, it would not significantly impact the proposed development as it is within city limits.

Chapter 15.405 Lot Requirements

15.405.010 Lot area – Lot Areas per Dwelling Unit

A. *In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:*

2. *In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.*

Finding: This is a development site. It is not a subdivision intended for only single family lots. It is a development site with four single family lots and one multi-family lot. The gross area of the development site is 59,531 square feet. However, excluding steep slopes outside of City Limits, and the proposed access for Lots 2, 3 and 4, the net development area is 37,843 square feet. This will allow 12 units on the development site with an average lot area of 3,154 square feet.

B. *Lot or Development Site Area per Dwelling Unit.*

2. *In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multiple-family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.*

Finding: This project is a development site. The gross area of the development site is 59,550 square feet. Excluding steep slopes outside of City Limits and the proposed access for Lots 2, 3 and 4, the net development area is 37,843 square

feet. This will allow 12 units on the development site with an average lot area of 3,154 square feet. This more than meets the standard of the average of all of the lots not exceeding 5,000 square foot per dwelling unit.

- C. *In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.*

Finding: This project is a development site. Lot areas are calculated per this section. The gross area of the development site is 59,531 square feet. Excluding steep slopes outside of City Limits and the proposed access for Lots 2, 3 and 4, the net development area is 37,843 square feet. This will allow 12 units on the development site with an average lot area of 3,154 square feet. This more than meets the standard of the average of all of the lots not exceeding 5,000 square foot per dwelling unit.

- D. *Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.*

Finding: While technically this application is a “subdivision”, it is more correctly reviewed as a “**development site**” as it contains both single family lots and a multi-family lot. The intent of the code is to provide affordable housing with **development sites** at 8.8 units per gross acres or less, with minimum areas of 3,000 square feet and maximum areas of 5,000 square feet. The proposed development meets these requirements on all counts and with a gross density of 8.78 units per acre.

This section also allows “*some lots*” to “*be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size*”. Even though Lot 5 contains 18,203 square feet and is proposed for 8 units (an average lot size of 2,275 square feet), the average of all lots in the **development site** of 3,154 square feet is more than 3,000 square feet and less than 5,000 square feet.

15.405.020 Lot Area Exceptions

The following shall be exceptions to the required lot areas:

- B. *Lots or development sites which, as a process of their creation, were approved in accordance with this code.*

Finding: This section means that Lot 5, after created by this application, is exempt from a new application of the lot requirements at the time of development.

Chapter 15.410 Yard Setback Requirements

15.410.020 Front Yard Setback

A. *Residential (see Appendix A, Figure 10).*

1. *AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.*

Finding: All dwellings are proposed to meet this requirement.

3. *The entrance to a garage or car port, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.*

Finding: The existing house conforms to this requirement. All proposed carports or garages will be set back 20 feet from the Sherman Street right-of-way.

15.410.030 Interior Yard Setback

- (1) *All lots or development sites in the AR, R-1, R-2 and R-3 Districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.*

Finding: All lots will conform to the interior yard setbacks.

Chapter 15.235.050 Subdivision Applications

- A. *Drafting. The tentative plan shall show all pertinent information, normally at a scale of one inch equals 100 feet. For subdivision, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. However, in all multiples of 100 feet to the inch. Tentative plans for subdivisions shall be prepared by an Oregon registered engineer or Oregon licensed land surveyor.*

Finding: The tentative plan is drawn on 24" by 36" paper at a scale of 1" = 20' to clearly show the site, existing improvements, natural and man-made features, proposed

improvements, surrounding area development. The map can be printed at half scale for 18" by 24" drawing at a scale of 1" = 30'. The plan was prepared by an Oregon registered land surveyor and engineer. Reduced 11" by 17" copies are provide in this application booklet.

B. Information Required. The application itself or the tentative plan must contain the following information with respect to the subject area:

- 1. Name and block numbering of proposed subdivisions. Except for the words "town," "city," "place," "court," "addition," or similar words, the name shall be clearly different than, and clearly pronounced differently than, the name of any other subdivision in the county, unless the subject subdivision is contiguous to or platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.*

Finding: The proposed subdivision name is "SHERMAN WOODS", but this may change.

- 2. The date, north point, and scale of the drawing, and sufficient description to define the location and boundaries of the proposed subdivision and the names of all recorded subdivisions contiguous to such area.*

Finding: The tentative plan includes the date, north arrow, scale and existing property lines in the neighborhood.

- 3. The names and addresses of the owner and engineer or surveyor.*

Finding: The Preliminary Plat includes the name, address, phone number and e-mail addresses of the applicant, owner and engineer/surveyor.

- 4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the transportation system plan.*

Finding: Existing right-of-way lines are shown. No new street dedications are necessary as the street has already been dedicated and improved.

- 5. The locations, names and widths and grades of all existing and proposed streets and roads.*

Finding: Approximate grades of Sherman Street are shown. No new street dedications are necessary as the street has already been dedicated and improved.

- 6. Contours on the site and within 100 feet of the site.*

- a. *One-foot contour intervals for ground slopes up to five percent.*
- b. *Two-foot contour intervals for ground slopes between five and 10 percent.*
- c. *Five-foot contour intervals for ground slopes exceeding 10 percent.*

Finding: One foot contours are shown on the site and Sherman Street. Due to existing improvements such as houses, fences and vegetation, the legal requirement of right-of-entry notification and the resulting cost to the applicant, contours within 100 feet of the site were not obtained, nor were they deemed necessary to make an informed decision on this project.

- 7. *Preliminary site grading plan, prepared by an Oregon registered engineer or land surveyor.*

Finding: No significant grading is proposed except for the construction of the access to Lots 2, 3 and 4. Finish grade will follow existing contours. Proposed drainage patterns are shown on the tentative plan.

- 8. *The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be required as provided for in NMC 15.505.080.*

Finding: The approximate width and location of all existing and proposed easements for public and private utilities are shown on the tentative plan.

- 9. *The approximate radii of all curves.*

Finding: There are no curves proposed.

- 10. *The general design of the proposed subdivision including the approximate dimension of all proposed lots and parcels.*

Finding: The development site boundary is shown along with dimensions and areas of each lot.

- 11. *The approximate location of areas subject to inundation of stormwater, and the location, width, and direction or flow of all watercourses.*

Finding: The West boundary of the site extends to the centerline of the creek. The area along the creek is subject to flooding, but it is also outside of the city limits of Newberg and the development site. Creek flows are from North to South.

12. *The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.*

Finding: The West boundary of the site extends to the centerline of the creek. The area along the creek is subject to flooding, but it is also outside of the city limits of Newberg and the development site. Creek flows are from North to South.

13. *The domestic water system proposed to be installed, including the source, quality, and quantity of water, if from other than a public water supply.*

Finding: Individual water meters will be installed for Lots 2 through 5. Lot 5 may have one meter for all eight residences, or the four inch line may be extended up to the property so that individual meters can be installed. This decision will be made at the time of the Site Design Review application for Lot 5.

14. *All proposals for wastewater disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.*

Finding: Lots 1 through four will gravity feed into the existing 6-inch lateral. Lot 5 will be served by a private pumping system to discharge into the existing 6-inch lateral. A manhole will be installed at the end of the 6-inch lateral.

15. *All public areas proposed to be dedicated by the applicant and the proposed uses of the public areas.*

Finding: No public right-of-way or public areas are proposed as the property is already fronted by a public street..

16. *All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.*

Finding: The only public improvement proposed is the installation of a sewer manhole at the end of the existing 6-inch sewer lateral at Lot 4. As part of the development of Lot 5, one master or 8 individual water meters may be installed to serve the Lot 5 residences. These improvements will be determined by the review and approval of the Site Design Review application for Lot 5

17. *A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part; provided, that where the proposal comprises all of such area a written statement of such fact shall accompany the tentative plan.*

Finding: A legal description of the property is contained in the attached title report. The bearings and distances of the boundary of the property based on a

survey by Frontier Land Surveying is shown on the Tentative Plat.

18. *Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to remain in place on the site and within 100 feet of the site.*

Finding: The Tentative Plan shows the location of the existing house on the site that will remain. Significant trees on the portion of the site to be developed are also shown as well as trees near the top of the bank. Due to existing improvements such as houses, fences and vegetation, the legal requirement of right-of-entry notification and the resulting cost to the applicant, all of the required buildings, features, trees, etc. within 100 feet of the sight were not obtained, nor were they deemed necessary to make and informed decision on this project. A Google Earth aerial photo does give a clear picture of the surrounding neighborhood improvements, trees and vegetation.

19. *Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to be removed on the site.*

Finding: The Tentative Plan shows the location of the existing house on the site. The house will remain. Trees bigger than four inches that are shown on Lots 1 through 5. Trees to be removed are located in the future access to Lots 2 through 3, and additional trees will be removed as required as determined by the individual lot plans of future houses.

20. *Such additional information as is required by the director.*

Finding: No additional information has been required by the director.

Subdivision General Requirements

The applicant shall demonstrate that the following criteria have been satisfied:

- *The land must be exclusively zoned for residential uses and be fully within the urban growth boundary.*

Finding: The land is not fully within the urban growth boundary, so a Type III application is being required by the Newberg Planning Department.

- *The land is solely for purposes of residential use, including recreational or open space uses accessory to residential use.*

Finding: The land proposed for development is entirely located within City Limits and is zoned R-2, Medium Density Residential Use.

- *The land does not include areas which contain Goal 5 Resources which are mapped and designated in the comprehensive plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas, and natural resources.*

Finding: The land proposed for development is entirely located within City Limits and is zoned R-2, Medium Density Residential Use. The land outside City limits is not proposed, nor is it suitable for development, and will remain as an undeveloped tract.

- *The proposed land division complies with the minimum street connectivity standards specifically identified in §§ 15.505.010 et seq.*

Finding: Sherman Street has already been conveyed to the City of Newberg and the street improvements installed under previous approvals. No additional public street improvements are required.

- *The proposed land division provides enough lots or parcels to allow building residential units at 80% or more of the maximum net density permitted in the zoning designation on the site.*

Finding: The proposed development meets the maximum gross density of the development site.

Written Criteria

Provide a written response that specifies how your project meets the following criteria:

- (1) *Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.*

Finding: This proposal is for full development of the site. The best use of the remainder of the property is open space due to topography, flood plain and being located outside of City Limits.

- (2) *The subdivision complies with this code including but not limited to §§ 15.340.010 through 15.440.080 and §§ 15.505.010 et seq.*

Finding: Applicable codes are addressed in this application.

- (3) *Either:*
 - a) *Improvements required to be completed prior to final plat approval; or*

Finding: Public street, water and sanitary sewer improvements have already been completed. No new public improvements except for new water meters are anticipated. They will be installed for Lots 2, 3 and 4 prior to recording the final plat. The water meter/meters for Lot 5 will be installed when development plans and a Site Design Review of Lot 5 is approved.

- b) *The subdivider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or*

Finding: This option is not applicable.

- c) *A local improvement district shall have been formed to complete the required improvements; or*

Finding: This option is not applicable.

- d) *The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.*

Finding: This option is not applicable.

Conclusion

This development site can be developed in accordance with the affordable housing and density goals of an infill R-2 development site. The project is part subdivision, part multi-family site and allows the opportunity to construction a community of a variety of housing sizes and styles.

The applicant feels that there is a market, even at the current depressed housing market conditions, for smaller more affordable dwelling units. Newberg is currently encouraging affordable housing.

As stated in this application, Newberg's Development Code allows and encourages a variety of ways to achieve those goals and allows a mix of single family lots, a multi-family site through a "development site" approach to lot sizes and densities.

Approval of Tentative Plat for a 5 lots consisting of four single family lots and one 8 unit multifamily lot as submitted under a Type III review is hereby requested.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE 1/4 NW 1/4 SEC 19 T3S R2W W.M.
YAMHILL COUNTY
1" = 100'

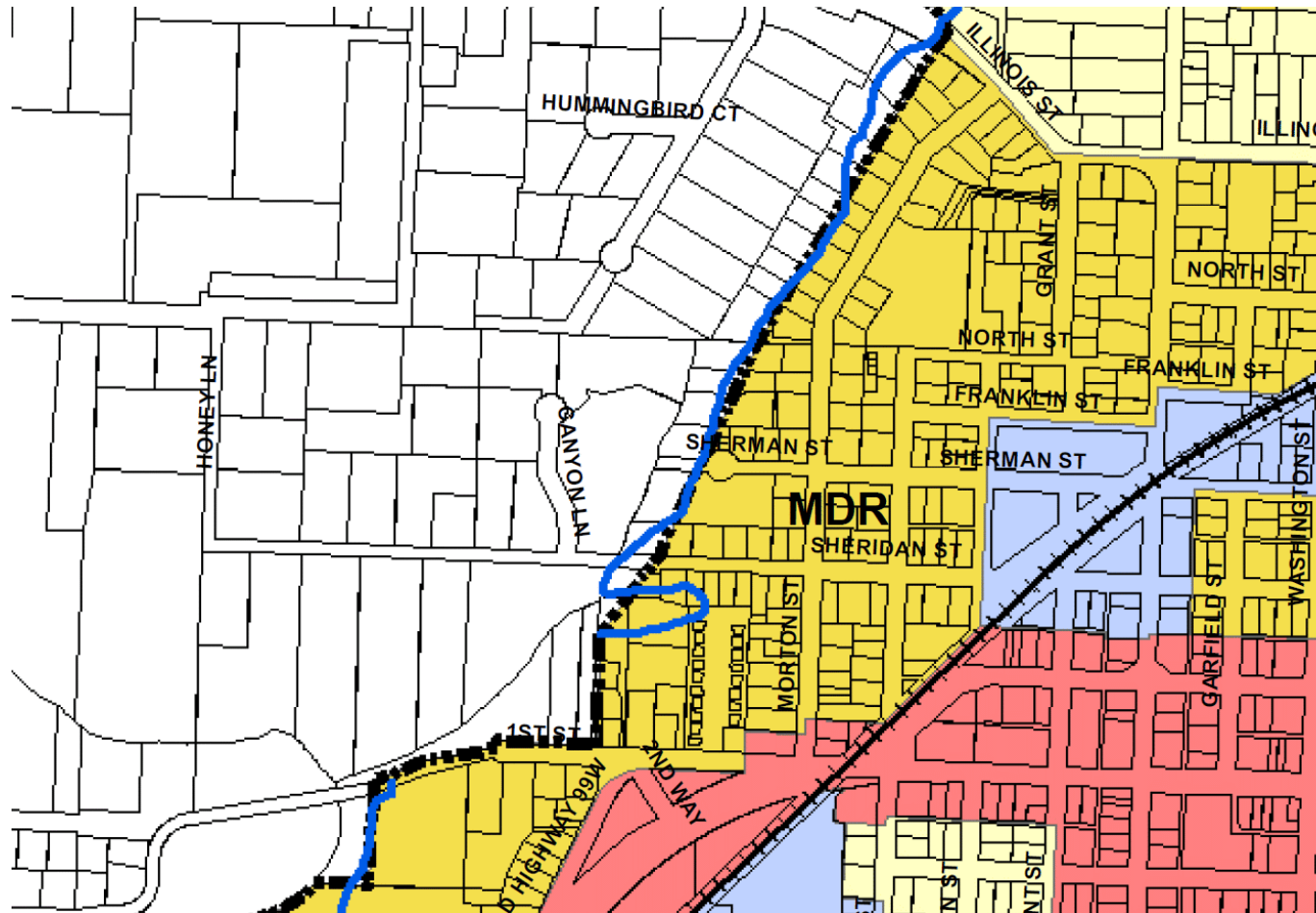
3 2 19BA
NEWBERG

CANCELLED
801
802
2200
4800

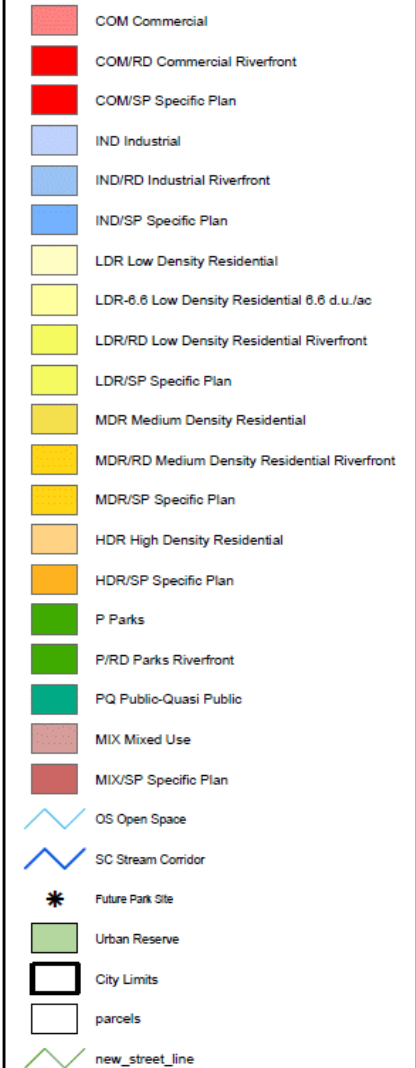


3 2 19BA

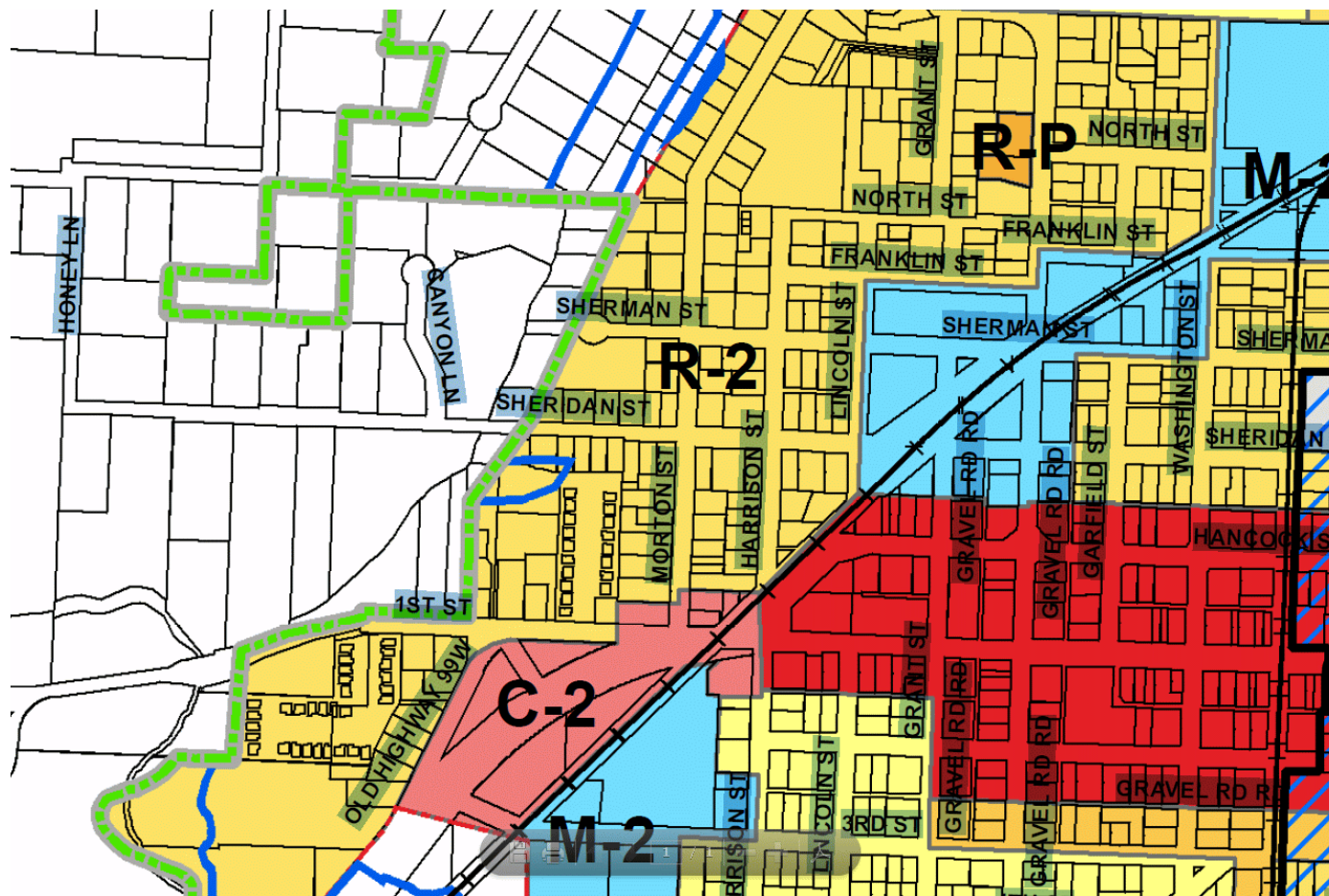
SHERMAN STREET COMPREHENSIVE PLAN



COMPREHENSIVE PLAN MAP Including the Urban Reserve Areas



SHERMAN STREET ZONING



City of Newberg, Oregon

NEWBERG ZONING MAP

Including the Urban
Growth Boundary

- Limited Use Bypass Corridor Overlay
 - Apex Industrial Overlay
 - Apex Residential Overlay
 - Institutional Overlay
 - Urban Growth Boundary
 - Seasonal Corridor
 - City Limits
 - Over Corridor Overlay
- ZONING**
- C-1 Neighborhood Commercial
 - SDN Springbrook District - Village
 - SDNC Springbrook District - Neighborhood Commercial
 - SDH Springbrook District - Hospitality
 - C-11SP Specific Plan
 - C-2 Community Commercial
 - C-2LU Community Commercial Limited Use
 - C-2 RD Planned Unit Development
 - C-2SP Specific Plan
 - C-3 Central Business District
 - C-3LU Central Business District - Limited Use
 - C-3 Community Facility
 - C-3RD Community Facility Riverfront District
 - Institutional
 - M-1 Limited Industrial District
 - M-11SP Specific Plan
 - M-12 Light Industrial District
 - SDC Springbrook District - Employment
 - M-2 Heavy Industrial District
 - R-1 Low Density Residential
 - SDLR Springbrook District - Low Density Residential
 - R-1RD Planned Unit Development
 - R-110.1 Low Density B.1.1 Sublot
 - R-110.2 Low Density B.1.2 Sublot
 - R-110.3 Low Density B.1.3 Sublot
 - R-11SP Specific Plan
 - R-2 Medium Density Residential
 - R-2 RD Planned Unit Development
 - R-2RD Riverfront District
 - R-2SP Specific Plan
 - SDMR Springbrook District - Mid-Rise Residential
 - R-3 High Density Residential
 - R-3 RD Planned Unit Development
 - R-3SP Specific Plan
 - R-4 Residential Professional
 - R-4SP Specific Plan
 - R-4LU Residential Professional - Limited Use Overlay
 - AR Apex Residential

